

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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FUSION MULTISYSTEMS, INC., a Nevada  
corporation,

Plaintiff,

vs.

DONALD G. BASILE, an individual,

Defendant.

ORDER ON MOTION FOR  
PRELIMINARY INJUNCTION

Case No. 2:09-CV-426 TS

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This matter is before the Court on Plaintiff's Motion for a Preliminary Injunction. For the reasons stated below the Court will grant in part the motion.

Plaintiff filed this Motion on May 11, 2009, requesting a preliminary injunction preventing Defendant from engaging in certain conduct. After a status and scheduling conference on the matter, the parties reached an agreement with respect to various preliminary matters. That agreement was memorialized in a Stipulated Interim Order issued by the Court on May 19, 2009.<sup>1</sup> Defendant responded to the Motion on June 12, 2009. The Stipulated Interim Order, originally effective only until June 23, 2009, was extended on June 25, 2009, and continued until further notice.

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<sup>1</sup>Docket No. 9.

The Preliminary Injunction only seeks an injunction until a determination on the merits of the arbitration proceedings. The Court has not been informed that such a decision has been rendered, therefore it will continue the stipulated interim order.

Because Defendant filed its response before the Court continued the Stipulated Interim Order indefinitely it appears that the Stipulated Interim Order is in the nature of a stipulated preliminary injunction that resolves the motion until the on-going discovery on the issues are completed. Because the case has been transferred to a new judge since the filing of this Motion, if the parties seek injunction rather than continuation of the stipulated interim order, if any party seeks additional injunctive relief or to vacate or amend the Stipulated Interim Order, they shall file a new motion and re-brief the issues.

The parties are instructed to continue discovery as previously ordered by the Court.

Therefore, it is hereby

ORDERED that Plaintiff's Motion for a Preliminary Injunction (Docket No.2) is GRANTED IN PART as set forth in the Stipulated Interim Order.

DATED March 15, 2010.

BY THE COURT:

  
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TED STEWART  
United States District Judge